

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Radu D. Vaduva
Constanta Popescu
Debtor(s)

Bankruptcy Case No.: 18-23741-GLT
Issued Per 4/4/2019 Proceeding
Chapter: 13
Docket No.: 30 - 3
Concil. Conf.: April 4, 2019 at 09:00 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated September 22, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 4, 2019 at 09:00 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 2 of Nationstar .
- ☒ H. Additional Terms: A Fee Application if needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

Fed Loan Servicing is payable as along term debt.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: April 4, 2019

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Radu D. Vaduva
 Constanta Popescu
 Debtors

Case No. 18-23741-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 44

Date Rcvd: Apr 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 06, 2019.

db/jdb
 cr
 +Radu D. Vaduva, Constanta Popescu, 818 Linda Drive, Pittsburgh, PA 15226-1128
 +Nationstar Mortgage LLC d/b/a Mr. Cooper, 8950 Cypress Waters Boulevard,
 Coppell, TX 75019-4620
 14919443 +AES, PO Box 61047, Harrisburg, PA 17106-1047
 14919444 +Barclays Bank Delaware, 125 S West Street, Wilmington, DE 19801-5014
 14919446 +Chase, P.O. Box 15299, Wilmington, DE 19850-5299
 14919447 +Citibank Best Buy, P.O. Box 6497, Sioux Falls, SD 57117-6497
 14919448 +Citibank Sears, P.O. Box 6282, Sioux Falls, SD 57117-6282
 14959391 +Citibank, N.A., Citibank, N.A., 701 East 60th Street North, Sioux Falls, SD 57104-0493
 14919449 +Citicards, PO Box 6241, Sioux Falls, SD 57117-6241
 14959527 Department Stores National Bank, c/o Quantum3 Group LLC, PO Box 657,
 Kirkland, WA 98083-0657
 14919452 +Federal Loan Service, PO Box 69184, Harrisburg, PA 17106-9184
 14919453 +Home Depot, P.O. Box 6497, Sioux Falls, SD 57117-6497
 14919455 +Macy's, 9111 Duke Boulevard, Mason, OH 45040-8999
 14919456 +Mr. Cooper Mortgage, 350 Highland Drive, Lewisville, TX 75067-4177
 14936011 +Nationstar Mortgage LLC d/b/a Mr. Cooper, PO Box 619096, Dallas, TX 75261-9096
 14928826 +PHEAA, PO Box 8147, Harrisburg, PA 17105-8147
 14919459 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747
 14958525 +PNC Bank, National Association, PO Box 94982, Cleveland, OH 44101-4982
 14919458 +PayPal Credit, PO Box 5138, Lutherville Timonium, MD 21094-5138
 14919465 +TOYOTA MOTOR CREDIT CORPORATION, PO BOX 8026, CEDAR RAPIDS IA 52408-8026
 (address filed with court: Toyota Financial Services, P.O. Box 2958, Torrance, CA 90509)
 14949106 +Toyota Motor Credit Corporation, PO Box 9013, Addison, Texas 75001-9013
 15005858 U.S. Department of Education, c/o FedLoan Servicing, P.O. Box 69184,
 Harrisburg, PA 17106-9184
 14946584 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14919445 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 05 2019 02:24:39 Capital One,
 PO Box 85520, Richmond, VA 23285-5075
 14951516 E-mail/Text: bankruptcy@collegeave.com Apr 05 2019 02:22:34 College Ave Student Loans,
 C/O College Ave Student Loans/Bankruptcy, 233 N. King St., Suite 400, Wilmington, DE 19801
 14957876 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 05 2019 02:24:56
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14957877 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Apr 05 2019 02:24:56 Capital One, N.A.,
 PO Box 71083, Charlotte, NC 28272-1083
 14919450 +E-mail/Text: bankruptcy@collegeave.com Apr 05 2019 02:22:34 College Avenue Student Loan,
 1105 North Market Street, 20th floor, Wilmington, DE 19801-1216
 14919451 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Apr 05 2019 02:22:55 Comenity Bank,
 P.O. Box 182125, Columbus, OH 43218-2125
 14956899 +E-mail/Text: kburkley@bernsteinlaw.com Apr 05 2019 02:23:37 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14955125 E-mail/PDF: resurgentbknotifications@resurgent.com Apr 05 2019 02:25:02 LVNV Funding, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14919454 +E-mail/Text: bk@lendingclub.com Apr 05 2019 02:23:30 Lending Club Corporation,
 71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985
 14964782 E-mail/PDF: pa_dc_claims@navient.com Apr 05 2019 02:24:43 NAVIENT PC TRUST,
 C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640
 14919457 +E-mail/PDF: pa_dc_claims@navient.com Apr 05 2019 02:24:43 Navient, PO Box 9500,
 Wilkes Barre, PA 18773-9500
 14959246 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 05 2019 02:36:46
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14919510 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Apr 05 2019 02:24:41
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14954834 E-mail/Text: bnc-quantum@quantum3group.com Apr 05 2019 02:23:00
 Quantum3 Group LLC as agent for, Comenity Capital Bank, PO Box 788,
 Kirkland, WA 98083-0788
 14959724 +E-mail/Text: bncmail@w-legal.com Apr 05 2019 02:23:21 SYNCHRONY BANK,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132
 14919460 +E-mail/PDF: gecsedirecoverycorp.com Apr 05 2019 02:25:12 Synch/Care Credit,
 PO Box 965005, Orlando, FL 32896-5005
 14919461 +E-mail/PDF: gecsedirecoverycorp.com Apr 05 2019 02:25:12 Synch/Levin Furniture,
 PO Box 965005, Orlando, FL 32896-5005
 14919462 +E-mail/PDF: gecsedirecoverycorp.com Apr 05 2019 02:24:36 Synch/Paypal, PO Box 965005,
 Orlando, FL 32896-5005
 14919463 +E-mail/PDF: gecsedirecoverycorp.com Apr 05 2019 02:25:15 Synch/TJ Maxx, PO Box 965015,
 Orlando, FL 32896-5015
 14919464 +E-mail/PDF: gecsedirecoverycorp.com Apr 05 2019 02:24:36 Synch/Walmart, PO Box 965024,
 Orlando, FL 32896-5024
 14949933 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Apr 05 2019 02:24:44 Verizon,
 by American InfoSource as agent, PO Box 248838, Oklahoma City, OK 73124-8838

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 44

Date Rcvd: Apr 04, 2019

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr Toyota Motor Credit Corporation
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 06, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system on April 4, 2019 at the address(es) listed below:

James Warmbrodt on behalf of Creditor Toyota Motor Credit Corporation bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Kevin Scott Frankel on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
pabk@logs.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
Shawn N. Wright on behalf of Debtor Radu D. Vaduva shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com/wrightshawn49@gmail.com/wrightshawnecf@gmail.com/audrey@shawnwrightlaw.co
m
Shawn N. Wright on behalf of Joint Debtor Constanta Popescu shawn@shawnwrightlaw.com,
wrightshawn@hotmail.com/wrightshawn49@gmail.com/wrightshawnecf@gmail.com/audrey@shawnwrightlaw.co
m

TOTAL: 7